

REMARKS

The present application has been reviewed in light of the Office Action dated January 8, 2009. Claims 1-20 are presented for examination, of which Claims 1, 7, 10, and 16 are in independent form. Claims 1-20 have been amended to define aspects of Applicants' invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 1-20 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In response, Claims 1, 7, 10, and 16 have been amended, as deemed necessary, with special attention to the points raised in section 3 of the Office Action. Specifically, Claims 1, 7, 10, and 16 have been amended to recite a processor and a memory unit. It is believed that the rejections under Section 101 have been obviated, and their withdrawal is therefore respectfully requested.

The Office Action states that Claims 1, 2, 4-7, and 9 are under 35 U.S.C. § 103(a) as being unpatentable over a “DonationDepot.com” website (*DonationDepot*) in view of U.S. Patent No. 7,014,104 (*MacFarlane et al.*); and that Claims 3, 8, and 10-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *DonationDepo* in view of *MacFarlane et al.* and further in view of U.S. Patent Application Publication No. 2001/0054003 (*Chien et al.*). For at least the following reasons, Applicants respectfully submit that independent Claims 1, 7, 10, and 16, together with the claims dependent therefrom, are patentably distinct from the cited art.

The aspect of the present invention set forth in Claim 1 is directed to a method performed by a computer including a processor and a memory unit coupled to the processor. The method includes: (1) providing access to information stored in the memory unit related to a plurality of government approved charities, (2) searching for at least one of the charities in the information stored in the memory unit, (3) receiving, from an employee of an employer,

donation information including recurring billing information, donor information related to a donor, a donation amount, employer information related to an employer of the donor, and charity information related to a charity, (4) if the processor determines that the received data from the employee stored in the memory unit indicates that the employer will gift match at least a portion of the donation amount, granting access rights to the employer to verify the donation information stored in the memory unit and verifying, by the processor, the donation information on behalf of the employer by, at least: a) confirming that a payment from the employee for the donation amount was processed, and b) verifying that the charity is a government approved charity by, at least, searching at least one of: an Internal Revenue Service (IRS) database and a third-party database of government approved charities, and c) generating a receipt for the employer by, at least: i) searching the memory unit for information related to gift matching forms specific to the employer, ii) selecting a particular form based, at least in part, on the charity information stored in the memory unit, iii) completing the selected gift matching form specific to the employer based on the donation information stored in the memory unit; and iv) forwarding the completed form to the employer; and (5) processing, after the verifying, a gift matching payment on behalf of the employer.

The Office Action states that certain claim language is merely non-functional descriptive material (*see* Office Action, page 5). In response, the claims have been amended to more clearly define that, if the processor determines that the employee information stored in the memory unit indicates that the employer will match at least a portion of the donation amount, access rights are granted to the employer and donation information is verified on behalf of the employer.

DonationDepot is understood to disclose a portal for donating to charities.

Applicants agree with the Examiner's conclusion that *DonationDepot* fails to disclose that data is received from an employee and that donation information is verified (*see* Office Action, page 4). Moreover, nothing has been found in *DonationDepot* that is believed to teach or suggest that access rights are granted to the employee's employer, if stored information from the employee indicates that the employer will match a portion of the employee's donation.

MacFarlane et al. is understood to relate to a system for matched money transfers (*see* col. 1, lines 10-13). Apparently, *MacFarlane et al.* discusses that transfer information received from an initiator can be analyzed to determine an enhancing amount to be transferred from a matching party (*see* Abstract). After a transfer has been made, a inquiry is made to determine whether the transfer has cleared (*see* FIG. 6A).

MacFarlane et al. also discusses that a receiver database 432 stores information indicating whether a charity qualifies in the United States as a charity such that a donor could deduct or expense a gift to the charity (*see* col. 9, lines 11-35). A form template database 412 stores various matching forms and tax receipts provided during a matching process, wherein matching forms are available for initiators 110 to submit to matching parties 115 who are not using a system 100 and for matching parties who may want paper records of the donations submitted for matching (*see* col. 8, lines 50-61). An initiator 110 or matching party 115 can use a tax receipt, which may be combined with a matching form, to show to a payment to a charity (*see* col. 8, lines 61-67).

Nothing has been found in *MacFarlane et al.* that is believed to teach or suggest that access rights are granted to the initiator's matcher, if stored information from the initiator indicates that the matcher will match a portion of the initiator's donation.

In summary, Applicants submit that a combination of *DonationDepot* and *MacFarlane et al.*, assuming such combination would even be permissible, would fail to teach, suggest, or otherwise result in a method that includes “if the processor determines that the received data from the employee stored in the memory unit indicates that the employer will gift match at least a portion of the donation amount, granting access rights to the employer to verify the donation information and verifying, by the processor, the donation information on behalf of the employer by, at least: a) confirming that a payment from the employee for the donation amount was processed, b) verifying that the charity is a government approved charity by, at least, searching at least one of: an Internal Revenue Service (IRS) database and a third-party database of government approved charities, and c) generating a receipt for the employer by, at least: i) searching the memory unit for information related to gift matching forms specific to the employer, ii) selecting a particular form based, at least in part, on the charity information stored in the memory unit, iii) completing the selected gift matching form specific to the employer based on the donation information stored in the memory unit, and iv) forwarding the completed form to the employer,” as recited in Claim 1. Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent Claims 7, 10, and 16 include features similar in many relevant respects to those of Claim 1 and also are believed to be patentable for at least the reasons discussed above. The other rejected claims in the present application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim is deemed to define an additional

aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicants
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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